

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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BLACK LOVE RESISTS IN THE RUST by and through MARIELLE SHAVONNE SMITH and CHARIS HUMPHREY on behalf of its members; SHAKETA REDDEN; DORETHEA FRANKLIN; TANQUA SIMMONS; DE'JON HALL; JOSEPH BONDS; CHARLES PALMER; SHIRLEY SARMIENTO; EBONY YELDON; and JANE DOE, individually and on behalf of a class of all others similarly situated;

Plaintiffs,

v.

Civil No.: 1:18-cv-00719-CCR

CITY OF BUFFALO, NY; BYRON B. BROWN, Mayor of the City of Buffalo, in his individual and official capacities; BYRON C. LOCKWOOD, Commissioner of the Buffalo Police Department, in his individual and official capacities; DANIEL DERENDA, former Commissioner of the Buffalo Police Department, in his individual capacity; AARON YOUNG, KEVIN BRINKWORTH, PHILIP SERAFINI, ROBBIN THOMAS, UNKNOWN SUPERVISORY PERSONNEL 1-10, UNKNOWN OFFICERS 1-20, each officers of the Buffalo Police Department, in their individual capacities.

Defendants.

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**STIPULATED MOTION FOR ADJOURNMENT  
OF DEADLINES IN CASE MANAGEMENT ORDER**

The Parties respectfully move to amend the scheduling order to extend all deadlines by approximately three months or ninety days. The proposed schedule is as follows:

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<b>Deadline</b>	<b>Current Date</b>	<b>Modified Date</b>
Completion of fact discovery	March 31, 2023	June 29, 2023
Motion to compel discovery	March 31, 2023	June 29, 2023
Class certification motion	April 26, 2023	July 25, 2023
Service of initial expert reports	May 10, 2023	August 8, 2023
Service of Rebuttal expert reports	June 9, 2023	September 7, 2023
Completion of all expert discovery	July 7, 2023	October 5, 2023
Dispositive Motions	July 31, 2023	October 30, 2023

In support of this motion, the Parties state as follows:

1. Under the present schedule, the deadline for completion of fact discovery and any accompanying motion to compel is March 31, 2023. The Court has set additional deadlines, leading to a dispositive motion deadline of July 31, 2023.

2. The parties continue to proceed with depositions. With respect to plaintiff depositions, the parties have completed the depositions of Ebony Yeldon, Jane Doe, Joseph Bonds, and Shirley Sarmiento. Defendants are in the process of scheduling depositions for the remaining named plaintiffs, including a corporate deposition of plaintiff Black Love Resists in the Rust.

3. With respect to defendant and non-party depositions sought by plaintiffs, the deposition of Robbin Thomas was scheduled for March 8, 2023, but has since been re-scheduled to March 23, 2023. The parties have also begun the process of scheduling the depositions of Defendant Byron Lockwood, and non-parties Harold McLellan and Robert

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Rosenswie, both of whom are former heads of the Buffalo Police Department's Internal Affairs Division ("IAD"). Plaintiffs have recently notified defendants that they believe there are gaps in Defendants' previous document productions that must be resolved before proceeding with these depositions. The Parties plan to meet and confer on these issues in the coming days.

4. Plaintiffs have also noticed the depositions of Joseph Gramaglia, the current Commissioner of the Buffalo Police Department, and Byron Brown, Mayor of the City of Buffalo.

5. In addition, plaintiffs have served a Fed. R. Civ. P. 30(b)(6) notice and requested that defendants designate a witness or witnesses to testify on the topics enumerated in the notice. The parties have recently met and conferred on plaintiffs' 30(b)(6) topics, and are working together to determine if there is a way to streamline the process of the 30(b)(6) deposition.

6. Also pending before the Court is plaintiffs' motion for leave to take eleven additional depositions. *See* Dkt. 148. Defendants have opposed this motion, and the Parties await guidance from the Court on how this issue will be resolved.

7. The Parties are working together to complete discovery as expeditiously as possible. Given the complex nature of the claims and defenses, and given the breadth of witnesses who need to testify, however, the parties require additional time to complete discovery. Additional time is also needed so that issues pending both before the Court and between the parties can be resolved.

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8. Accordingly, the Parties respectfully request the modifications set forth above.

9. The Parties thank the Court in advance for its consideration of this request.

Dated: Buffalo, New York  
March 10, 2022

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 10, 2023, the above Stipulated Motion for Adjournment of Discovery Deadlines was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Western District's Local Rules, and/or the Western District's Case Filing Rules & Instructions upon all counsel registered through the ECF System.

/s/ Peter Sahasrabudhe